

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

MEMORANDUM PURSUANT TO LOCAL RULE 116.5

The United States of America, by and through its undersigned attorneys hereby files this memorandum. The government has provided copies of this memorandum to Attorney Joseph Bernard (counsel for Luz Torres), Attorney Lori Levinson (counsel for Gabriel Ortiz), and Attorney Mark Mastroianni (counsel for Luis Rivera).

1. The Government has provided or made available all of its discoverable information. There are no outstanding discovery requests from the Defendant in this case. The Defendant has not provided any discovery to the government.

2. The parties do not anticipate additional discovery as the result of future receipt of information.

3. The defendants do not intend to raise a defense of insanity or public authority.

4. The government has requested notice of alibi by the defendants and there has been no response by the Defendant.

5. The Defendants have not yet filed, and are unlikely to file in the future, any motion to dismiss, or suppress, or other motion requiring a ruling by the District Court before trial pursuant to Fed. R. Crim. Pro. 12(c).

6. The parties request this Court to schedule a date for a pretrial conference.

7. The parties are presently uncertain as to the possibility of an early resolution to this case without trial.

8. The parties agree that there are periods of excludable delay. Specifically, from November 4, 2005, until the present, November 30, 2005 should be excluded in the interests of justice. Counsel have requested this time to review the evidence with their respective clients and to discuss potential pretrial motions. Therefore, as of the day of the Status Conference on November 30, 2005, no time has run on the Speedy Trial clock.

9. If this case were to proceed to trial, a trial would take approximately five days.

Filed this 29TH day of November, 2005.

Respectfully submitted,

MICHAEL J. SULLIVAN
United States Attorney

/s/ Paul Hart Smyth
Paul Hart Smyth
Assistant United States Attorney

Mark Mastroianni, Esquire
Counsel for Luis Rivera

Attorney Lori Levinson
Counsel for Gabriel Ortiz

Attorney Joseph Bernard
Counsel for Luz Torres

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DOCKETED

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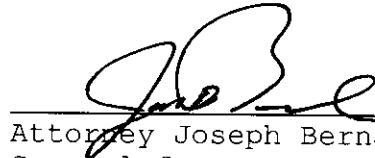
/s/ Paul Hart Smyth
Paul Hart Smyth
Assistant United States Attorney



Mark Mastroianni, Esquire
Counsel for Luis Rivera



Lori Levinson
Attorney Lori Levinson
Counsel for Gabriel Ortiz



Joseph Bernard
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